

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Mail Processing Network  
Rationalization Service Changes, 2012

Docket No. N2012-1

PRESIDING OFFICER'S RULING  
CONCERNING PRELIMINARY SCHEDULING OF  
POSTAL SERVICE WITNESSES FOR HEARING

(Issued March 9, 2012)

The hearing to enter the Postal Service's direct case into the record is scheduled for March 20-23, 2012.<sup>1</sup> Postal Service witnesses are scheduled to appear to enter testimony, written-cross examination, and oral-cross examination on the days, and in the order, indicated below.<sup>2</sup> The intent is to continue the hearing each day as long as necessary to complete that day's witness list.

Tuesday, March 20, 2012 (designations due March 15, 2012)

- Stephen Masse (USPS-T-2)
- Kevin Rachel (USPS-T-8)
- David E. Williams (USPS-T-1)

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<sup>1</sup> P.O. Ruling N2012-1/5, Presiding Officer's Ruling Establishing Procedural Schedule, January 12, 2012.

<sup>2</sup> The Postal Service has indicated its preferences concerning witness availability. See Notice of the United States Postal Service Regarding Witness Availability, March 9, 2012.

Wednesday, March 21, 2012 (designations due March 16, 2012)

- Susan L. LaChance (USPS-T-13)
- Rebecca Elmore-Yalch (USPS-T-11)
- Greg Whiteman (USPS-T-12)

Thursday, March 22, 2012 (designations due March 19, 2012)

- Dominic L. Bratta (USPS-T-5)
- Cheryl D. Martin (USPS-T-6)
- Emily R. Rosenberg (USPS-T-3)

Friday, March 23, 2012 (designations due March 20, 2012)

- Pritha N. Mehra (USPS-T-7)
- Marc A. Smith (USPS-T-9)
- Michael D. Bradley (USPS-T-10)
- Frank Neri (USPS-T-4)

Notices of intent to conduct oral cross-examination are due March 12, 2012. An estimate of the amount of oral cross-examination (light, moderate, or heavy) shall be included with each notice. The appearance schedule may be modified subject to review of the notices.

For some witnesses, there may be no indication of intent to conduct oral cross-examination. The testimony for these witnesses shall be entered first, at the start of each day's hearing, prior to witnesses that will be subject to oral cross-examination.

Some material has been filed under seal in this proceeding. To the maximum extent feasible, hearings will be open to the public. Counsel should attempt to formulate oral-cross examination questions such that the hearing may remain open to the public. If this is not possible, a closed session will be convened at the end of each hearing day after all witnesses for that day have appeared. Please indicate in the notice of intent to conduct oral cross-examination, by witness, any expected need to conduct a closed session of the hearing.

The procedures for any closed sessions of the hearing will be as follows. A 15-minute recess will be taken at the end of the public session to allow interested observers to become subject to an appropriate confidentiality agreement. Copies of the confidentiality agreement will be available at the dockets window outside the hearing room in the lobby. Observers choosing not to be subject to the confidentiality agreement shall be excused from the hearing room. The hearing is then reconvened for a separate closed session. The transcript for the separate closed session is maintained under seal, and the closed session will not be web broadcast.

Parties shall file designations of written cross-examination at least 3 working days prior to the appearance of each witness. See 39 CFR 3001.30(e)(2). When a party designates written cross-examination, a designation package shall simultaneously be submitted to dockets containing two hard copies of each designated document (single-sided, unstapled and not hole-punched), separated by witness (or institutional).

A slightly different procedure shall be followed for designation of material under seal. A separate notice of designation shall be prepared for each witness that clearly indicates the intent to designate material under seal. Copies of material under seal shall not be filed or included with the designation packet submitted to the Commission. Two copies of this material shall be sealed in an envelope clearly marked as material under seal with the contents identified by interrogatory number(s) or other appropriate designation and the responding witness's name (or institutional). This material shall be hand carried to the hearing room for entry into the record.

Written cross-examination categorized as Postal Service institutional shall be designated by March 20, 2012. Postal Service institutional responses to discovery shall be entered into the record on Friday, March 23, 2012.

### RULING

1. The preliminary schedule for the appearance of Postal Service witnesses is set forth in the body of this ruling.
2. Procedures for the designation of written cross-examination is set forth in the body of this ruling.
3. The process for conducting closed hearings is set forth in the body of this ruling.

Ruth Y. Goldway  
Presiding Officer